



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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|--------------------|---------------------|-----------------------|---------------------------|
| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|

44/139-705 08/25/98 MARTIN G 2409-3272-2H

0282/0915

KENT S. BURNINGHAM
TRASK-BRITT & ROSSA
525 SOUTH 300 EAST
SALT LAKE CITY UT 84111

NOT ASSIGNED

3734

DATE MAILED:

09/15/98

NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☒ *small entity (statement filed)* ☒ *non-small entity is \$ 130*

☒ 1. The statutory basic filing fee is:

- ☐ missing
- ☐ insufficient

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ _____ including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ _____ for _____ dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing or unexecuted.
- ☐ does not cover the newly submitted items.
- ☒ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☒ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☒ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☒ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☒ 7. Your filing receipt was mailed in error because your check was returned without payment.

☒ 8. The application does not comply with the Sequence Rules.

See attached Notice to Comply with Sequence Rules 37 CFR 1.821-1.825.

☐ 9. OTHER _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts"

A copy of this notice MUST be returned with the reply.

Customer Service Center
Patent Examination Division (703) 308-1202

998 GBUCK 09/0001 11313



PATENT APPLICATION
Docket: 2409.3273.2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------|---|----------|
| In re application of: |) | |
| |) | |
| Geoffrey S. Martin et al. |) | |
| |) | Art Unit |
| Serial No.: 09/139,705 |) | 3734 |
| |) | |
| Filed: August 25, 1998 |) | |
| |) | |
| For: MULTIPLE LUMEN CATHETER |) | |

RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION

BOX: MISSING PARTS
The Honorable Commissioner of
Patents & Trademarks
Washington, D. C. 20231

Sir:

This document and the materials transmitted herewith are being submitted in response to Notice to File Missing Parts of Application mailed from the United States Patent and Trademark Office on September 15, 1998 (hereinafter "the Notice").

The Notice indicates the absence of an oath or declaration for the above-captioned application.

A. Remarks

The above-captioned application is, however, a continuation application under 37 C.F.R. § 160 of prior application Serial No. 481,169 that was filed on June 7, 1995 (hereinafter the "Parent Application").

The intended status of the above-captioned as a continuation application is reflected in the caption of every document filed in the United States Patent and Trademark Office contemporaneously with the above-captioned application. The claim of priority to the Parent Application is also recited in the Transmittal for Continuation Application dated August 25, 1998.

As a result of the status of the above-captioned application as a continuation application, no new oath or declaration is required relative thereto. As a result, the materials filed with the above-captioned application were intended to include copies of documents from the prosecution of the Parent Application relative both to the oath or declaration and to qualifying the above-captioned application as an application under 37 C.F.R. § 1.47. It is believed by the undersigned that this intention was effected, although the Certificate of Mailing by "Express Mail" that accompanied the above-captioned application failed by inadvertence to list those particular documents.

Out of an abundance of caution, however, those documents are being resubmitted at this time along with an appropriate late surcharge fee and a copy of the Notice.

Nonetheless, the undersigned respectfully requests that a careful search be conducted among the documents in the files of the United States Patent and Trademark Office specifically to verify that those documents were in actuality not received with the above-captioned application. Should those documents be discovered as a result, then it is respectfully requested that the amount of the fee enclosed herewith be credited as an overpayment to Deposit Account No. 23-3178 of the undersigned.

B. Inventory of Transmitted Documents

In response to the Notice enclosed are the following items:

x Notice to File Missing Parts of Application - Filing Date Granted (Form PTO-1533);

x A copy of the following documents from the Parent Application relative to oath or declaration as originally filed therein:

 x Combined Declaration and Power of Attorney dated November 30, 1995;

 x Declaration Under 37 C.F.R. § 1.47(a) dated November 30, 1995, with Schedule A attached; and

 x Decision According Status Under 37 C.F.R. § 1.47(a) dated July 2, 1996.

 Declaration, Power of Attorney, and Petition executed by the inventor;

 x Transmittal for Originals of Documents Previously Filed as Photocopies having attached thereto the following exhibits:

Exhibit A: Transmittal for Miscellaneous Documents (2 pages);

Exhibit B: Transmittal for Continuation Application (6 pages);

Exhibit C: Preliminary Amendment (17 pages);

Exhibit D: Certificate of Mailing by "Express Mail" (2 pages);

 To transfer title in the above-captioned application, enclosed are the following:

 Assignment running from the inventor, _____, to _____; and

 Recordation Form Cover Sheet -- Patents Only (Form PTO-1595);

 Declaration Claiming Small Entity Status executed by _____, _____ of _____;

 To render timely filed the materials transmitted responsive to the Notice to File Missing Parts, enclosed are the following:

____ Petition for a _____-Month Extension of Time for a period of
_____ () months; and

____ Check No. _____ in the amount of \$ _____ comprising the
corresponding fee required in relation thereto for other than a small entity.

x Duplicate copies of this sheet.

x Notification of Change of Address of Attorney of Applicant.

x Check No. 10696 in the amount of \$130.00 constituting the required late surcharge
fee for other than a small entity applicant:

| <u>ITEM</u> | <u>FEE</u> |
|---|------------|
| Basic Filing Fee (for up to 20 claims total and up to 3 independent claims) (37 C.F.R. § 1.16(a)) | \$ 0.00 |
| Fee for _____ Independent claims in excess of three (3) (37 C.F.R. § 1.16(b)) | \$ 0.00 |
| Fee for _____ Total claims in excess of twenty (20) (37 C.F.R. § 1.16(c)) | \$0.00 |
| Surcharge for Late Submission of Document and/or Fee (37 C.F.R. § 1.16(e)) | \$130.00 |
| Recordation of Assignment (37 C.F.R. § 1.21(h)) | \$0.00 |
| | <hr/> |
| TOTAL: | \$130.00 |

C. Conclusion

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 20-1469.

- ☒ Any additional filing fees required under 37 C.F.R. § 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☒ Any finance service or patent service fees under 37 C.F.R. § 1.21.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 20-1469.

- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☐ The issue fee set in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).
- ☒ Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

Please address all future correspondence in connection with this case to the attention of the undersigned, noting in doing so a change in the mailing address of the undersigned as reflected in the enclosed Notification of Change of Address of Attorney of Applicant.

DATED this 13th day of November, 1998.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Kent S. Burningham", is written over a horizontal line.

KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

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Docket: 2409.3273.2US